

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated November 23, 2009 (U.S. Patent Office Paper No. 20091026). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 68, 69, 72, 75, 77, 78, 84, and 89 stand for consideration in this application, wherein claims 66, 67, 70, 71, 73, 74, 76, 79-83, 85-88, and 90-119 are being canceled without prejudice or disclaimer, and wherein claims 68, 69, 72, 75, 77, 78, 84, and 89 are being amended to improve form.

All amendments to the application are fully supported therein. For example, the amendments to the claims are supported by paragraphs [0015], [0027]-[0028], [0032]-[0033], and [0036]-[0039], as well as by Figures 1(A)-2(D) and 5. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### Formality Objections/Rejections

The Examiner objected to Figures 8(A)-9(C) of the drawings, stating that these figures should each be designated by a legend indicating that the illustration is prior art. As set forth above, a set of replacement sheets of corrected drawings, in which each of Figures 8(A)-9(C) are designated by a legend indicating that the illustration is prior art, thereby rendering moot and/or obviating this objection.

The Examiner also objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) for including reference character "113" not mentioned in the description. As set forth above, paragraph [0006] of the specification is being amended to correctly indicate that reference character "113" refers to "a source junction," thereby rendering moot and/or obviating this objection.

The Examiner objected to the specification for failing to reference Figures 8A and 8B in the Brief Description of the Drawings. As set forth above, paragraph [0023] of the specification

is being amended to specifically reference Figures 8A and 8B, thereby rendering moot and/or obviating this objection.

The Examiner also objected to the specification for having a Title of the Invention that is not sufficiently descriptive of the invention to which the claims are directed. As set forth above, the Title of the Invention is being amended to "Magnetic Tunnel Junction Device and Memory Device Including the Same," thereby rendering moot and/or obviating this objection.

The Examiner rejected claim 71 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner stated that the phrase "an output voltage of the device" recited in claim 71 is vague. As set forth above, claim 71 is being canceled without prejudice or disclaimer, thereby rendering moot and/or obviating this rejection.

The Examiner also rejected claims 66-70, 72, 80-88, 102-105, and 110-119 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner stated that these claims are incomplete for failure to recite "a tunnel barrier height in a specified eV range." As set forth above, each of these claims is either being canceled without prejudice or disclaimer, amended to explicitly recite a limitation of a tunnel barrier height of a specified eV range, or amended to depend from another claim that explicitly recites a limitation of a tunnel barrier height of a specified eV range, thereby rendering moot and/or obviating this rejection of claims 66-70, 72, 80-88, 102-105 and 110-119.

The Examiner also rejected claims 72-89, 102-105, and 110-119 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner stated that these claims are incomplete for failure to recite "first and second ferromagnetic layers having a BCC structure." As set forth above, each of these claims is either being canceled without prejudice or disclaimer, amended to explicitly recite first and second ferromagnetic layers having a BCC structure, or amended to depend from another claim that explicitly recites first and second ferromagnetic layers having a BCC structure, thereby rendering moot and/or obviating this rejection of claims 72-89, 102-105, and 110-119.

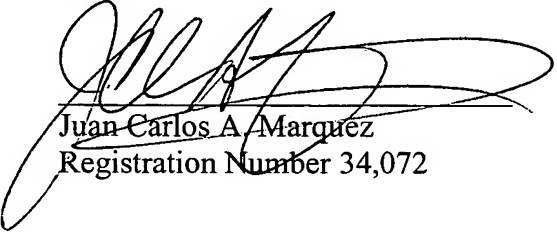
### Conclusion

In view of all the above, Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration of this application as amended is

respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

Nicholas B. Trenkle  
Registration Number 54,500



Juan Carlos A. Marquez  
Registration Number 34,072

**STITES & HARBISON PLLC**  
1199 North Fairfax Street  
Suite 900  
Alexandria, VA 22314-1437  
(703) 739-4900 Voice  
(703) 739-9577 Fax  
Customer No. 38327

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